

REMARKS

1. **Declaration of Dan Matlock pursuant to 37 CFR §1.131**

Submitted here with is a declaration made by Dan Matlock [herein "the Matlock Declaration"] pursuant to 37 CFR §1.131 establishing an actual reduction to practice of the apparatus embodied by the claims as recited above at a date prior to November 14, 2003 the filing date of U.S. Patent No. 7,046,131 to Tordox [herein "Tordox"] currently being relied on by the Examiner. As such, the Tordox reference is removed as an available reference and thereby making the rejections relying on the Tordox reference ineffective as being based on unavailable prior art. Removal of all rejections relying on Tordox is respectfully requested.

Further, U.S. Patent No. 7,079,042 to Reim [herein "Reim"] having a filing date of December 19, 2003 is currently being relied upon by the Examiner. The Matlock Declaration which establishes an actual reduction of practice of the apparatus embodied by the claims as recited above at a date prior to November 14, 2003 effectively removes Reim as an available reference. As such, the rejections relying on Reim are ineffective as being based on unavailable prior art. Removal of all rejections relying on Reim is respectfully requested.

2. **Information Disclosure Statement pursuant to 37 CFR §1.56**

Submitted herewith is an IDS citing U.S. Patent No. 6,936,980 to Chu-Li Wang [herein "'980"] having a filing date of January 21, 2004. The '980 reference is only being cited to satisfy the disclosure requirements of rule 56. In view of the Matlock

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Declaration discussed above, the '980 reference is not available as being relied upon in formulating a rejection.

3. **Claim Status**

Claims 1-20 are canceled without prejudice and are rewritten and presented as claims 21-40 to be stated more clear. The cancellation of claims 1-20 and presentation of claims 21-40 is clearly not being made to overcome any rejections since the only rejections that have been made to date have been rendered ineffective as being based upon unavailable prior art, such rejections having been overcome by the submission of the Matlock Declaration without any amendment of the claims.

In view of the above, it is respectfully submitted that:

Claims 21-40 are in condition for allowance. Reconsideration and withdrawal of the rejections are requested. Allowance of claims 21-40 at an early date is solicited.

The Examiner is hereby requested to telephone the undersigned agent of record at 727-531-1796 if such would further or expedite the prosecution of the instant application.

Respectfully submitted,

/Stephen Lewellyn/

Stephen Lewellyn
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